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U.S. Application No. 10/796,301
Docket No. K06-167785M/TBS
(NGB.376)

1

JUL 17 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jun HAMAKITA et al.

Serial No.: 10/796,301

Group Art Unit: 3611

Filed: March 10, 2004

Examiner: Marc A. Scharich

For: ELECTRIC POWER STEERING DEVICE

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

We, Jun Hamakita and Yoshikazu Kawada, hereby declare and state:

THAT we are citizens of Japan residing at Nara Japan;

THAT we graduated from Tottori University and Toyohashi University of Technology, receiving a Masters Degree of Mechanical Engineering, and a Masters Degree of Mechanical Engineering, respectively;

THAT we are familiar with the Office Action dated March 18, 2008, where the Examiner asserted that Claims 1-5, 10, 12, 14, and 16 are rejected in view of U.S. Patent No. 5,482,127 to Eda et al. (hereinafter "Eda") in view of U.S. Patent No. 3,234,758 to Lewis and that Claim 11 is rejected in view of Eda and Lewis in further view of U.S. Patent No. 6,900,564 to Kobayashi et al. (hereinafter "Kobayashi"). In particular, where the Examiner maintains that the claimed kinematic viscosities and work penetrations merely tested physical properties and are therefore obvious in view of Eda and Lewis;

U.S. Application No. 10/796,301
Docket No. K06-167785M/TBS
(NGB.376)

2

THAT we are co-inventors of the above-identified application;

With respect to the kinematic viscosities and worked penetrations recited in the claimed invention, we state and declare that as pointed out in the Specification (e.g., see pages 1-3), conventional techniques use greases having either low viscosities (e.g., 100 to 300 mm²/s) or high viscosities (e.g., 10,000 to 30,000 mm²/s). When a grease having a low viscosity is used gear noise is generated in the engagement portion. When a grease having a high viscosity is used, it is difficult to insert and engage the male engagement member with the female engagement member.

According to the claimed invention, a grease having an intermediate viscosity (e.g., 1000 to 5000 mm²/s) is used. Use of the claimed intermediate viscosity alleviates the above problems (e.g., see Application at page 13, line 15 through page 14, line 2).

Therefore, the features recited in claim 1 are clearly important and are more than a mere design choice. Therefore, it is clearly erroneous for the Examiner to dismiss these features as "well known" without providing any support for his allegations.

This feature is clearly not taught or suggested by Lewis, which (as pointed out by the Examiner) teaches the use of a high viscosity grease.

Attached graph (Exhibit 1) illustrates kinetic viscosity data for a conventional grease for a high temperature specification (MMV), a conventional grease for a normal temperature specification (TA2), and a grease according to the claimed invention (SL-V).

Applicants submit that both of the conventional greases have completely different values of kinetic viscosity from that of the grease of the claimed invention (e.g., 1000 to 5000 mm²/s (40°C)).

That is, the conventional methods had no idea about using a grease having an

U.S. Application No. 10/796,301
Docket No. K06-167785M/TBS
(NGB.376)

3

intermediate level kinetic viscosity. In stark contrast, the inventors of the claimed invention discovered that one can reduce gear noise by using the grease having the middle level kinetic viscosity. Furthermore, by setting a worked penetration of the grease to no more than 300, deterioration of assembling work is suppressed, and it is possible to provide a device that is devoid of an O-ring.

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U.S. Application No. 10/796,301
Docket No. K06-167785M/TBS
(NGB-376)

4

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 11, 2008

Jun Hironaka
Mr. Jun Hironaka

Date: July 11, 2008

Yoshikazu Kawada
Mr. Yoshikazu Kawada